IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 7TH JUNE, 2007 / 17TH JYAISHTA, 1929

WP(C).No. 5399 of 2007(P)

PETITIONER:

M.K.YADUKUMAR, AGED 61 YEARS,
S/O.KUMARAN, "NIVEDYAM", 28/833,
AREEKODE MEETHAL PARAMBU, CHEVAYUR P.O.,
NELLIKODE VILLAGE, KOZHIKODE TALUK,
KOZHIKODE-673 017.

BY ADV. SRI.A.RANJITH NARAYANAN

RESPONDENTS:

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1. SUB REGISTRAR,
CHEVAYOOR SUB REGISTRY, KOZHIKODE DISTRICT.

2. REVENUE DIVISIONAL OFFICER,
CIVIL STATION, KOZHIKODE DIST.

ADDL.R3. SUJATHA.K., KALANDINEETHAL, CHEVAYOOR IS IMPLEADED AS PER ORDER DATED 19.2.2007.

BY ADV. SRI.NIRMAL. S
BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.5399 OF 2007)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the order in Ref.L.3138/06 dtd.nil issued by the 2nd respondent.

Ext.P2: Copy of the complaint preferred by Sujatha dated nil before the 2nd respondent.

Ext.P3: Copy of the impleadment petition dtd.23.12.2006 filed by Sujata before the 2nd respondent.

Ext.P4: Copy of the jenm assignment deed dtd.22.1.2007 executed by the petitioner.

-True Copy-

P.A.to Judge.

S.SIRI JAGAN, J.

W.P(C) NO.5399 OF 2007 - P

Dated this the 7th day of June, 2007

J U D G M E N T

The petitioner challenges Ext.P1 order of the Revenue Divisional Officer by which the said officer has directed the first respondent- the Sub Registrar not to register any document in respect of the property in question. This order has been issued pursuant to a complaint submitted by the additional third respondent claiming right over the property. Neither the Government Pleader nor the additional third respondent could bring to my notice any provision of law which authorises the second respondent- the Revenue Divisional Officer to pass an order like Ext.P1. That being so, Ext.P1 is clearly without jurisdiction and accordingly, the same is set aside.

2. The learned counsel for the additional third respondent submits that even then the R.D.O. has to consider the petitioner's right over the property. That too, I am not satisfied that the R.D.O. has power to enquire into. The remedy of the additional third respondent lies in filing a suit before the appropriate civil

court for establishing her right over the property in question. Without prejudice to such rights, the writ petition is allowed quashing Ext.P1 as above.

sd/-

S.SIRI JAGAN,
Judge

Mbs/

-TRUE COPY-

P.A.TO JUDGE.